

IN THE U.S. DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

GARY E. LAMB,

Plaintiff,

vs.

LOWE'S HOME CENTERS, LLC, *et al.*,

Defendants.

CASE NO. 1:22-CV-514

**DEFENDANT LOWE'S HOME
CENTERS, LLC'S NOTICE OF
REMOVAL**

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION

1. Defendant Lowe's Home Centers, LLC ("Lowe's") is a Defendant in a civil action brought against it in the Court of Common Pleas for Butler County, Ohio, styled *Gary E. Lamb v. Lowe's Home Centers, LLC*, Case No. CV 2022 08 1330. Copies of all process and pleadings in that action are attached hereto as Exhibit A, pursuant to 28 U.S.C. §1446(A).

2. Said action was commenced by service of the Complaint on Lowe's on August 8, 2022.

3. Plaintiff is a resident of the State of Ohio.

4. Lowe's is a foreign corporation organized, registered and existing under the laws of the State of North Carolina and has its principal place of business in North Carolina.

5. The within lawsuit is a controversy between citizens of different states, as to give rise to complete diversity of citizenship within the meaning of 28 U.S.C. §1332.

6. Plaintiff demands judgment against Lowe's in an amount in excess of \$25,000.00. According to the Complaint, Plaintiff alleges he suffered "Great pain and suffering both physical and emotional, and loss of ability to perform usual functions and may cause her further pain and suffering and loss of ability to perform usual functions in the future". In addition, the Complaint

alleges that Plaintiff incurred \$20,167.00 in medical expenses related to this incident, and future medical expenses are expected in an unknown amount. Finally, Lowe's requested that Plaintiff stipulate his damages do not exceed \$75,000.00 but Plaintiff has not agreed to any such stipulation to date. As such, it is Lowe's good faith belief that the amount in controversy exceeds the jurisdictional amount of \$75,000.00, exclusive of interest and costs, if all of Lowe's defenses fail and if Plaintiff proves all of his claimed damages as alleged in the Complaint.

7. This is a civil action brought in a state court in which the United States District Court has original jurisdiction because of diversity of citizenship, and Lowe's is not a citizen of the State of Ohio, in which this action was brought.

8. Written notice of removal of this action has been given simultaneously herewith to Plaintiffs' counsel and the Clerk of Courts for Butler County, Ohio.

WHEREFORE, Defendant Lowe's Home Centers, LLC hereby removes this action from the Court of Common Pleas for Butler County, Ohio, to this Court, pursuant to 28 U.S.C. §1441.

Respectfully submitted,

/s/ Nicholas P. Resetar

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**ATTORNEYS FOR DEFENDANT
LOWE'S HOME CENTERS, LLC**

PROOF OF SERVICE

A copy of the foregoing was served on this 6th day of September, 2022 electronically by way of the Clerk's electronic filing system.

/s/ Nicholas P. Resetar

Nicholas P. Resetar

Tyler M. Jolley